



Docket No.: 242591US2

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COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



RE: Application Serial No.: 10/663,766

Applicants: Kamiya TAKUROH, et al.

Filing Date: September 17, 2003

For: BELT DRIVING DEVICE, DRIVING DEVICE,  
METHOD, IMAGE FORMING APPARATUS

Group Art Unit: 3682

Examiner: Marcus Charles

SIR:

Attached hereto for filing are the following papers:

#### PROVISIONAL ELECTION

Our check in the amount of \_\_\_\_\_ is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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DOCKET NO: 242591US2



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
KAMIYA TAKUROH, ET AL. : EXAMINER: MARCUS CHARLES  
SERIAL NO: 10/663,766 :  
FILED: SEPTEMBER 17, 2003 : GROUP ART UNIT: 3682  
FOR: BELT DRIVING DEVICE, DRIVING :  
DEVICE, METHOD, IMAGE FORMING  
APPARATUS

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Official Action, mailed June 29, 2006, Applicants provisionally elect, with traverse, Group I, Claims 1-10, for further examination on the merits in the present application.

Applicants respectfully traverse the Restriction requirement because the PTO has not carried forward its burden of proof to establish distinctness.

In particular, MPEP § 803 states:

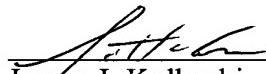
If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area.<sup>1</sup>

Accordingly, Applicants respectfully traverse the outstanding Election requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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<sup>1</sup>To do justice to either identified group of claims, it is respectfully submitted that it would be necessary to search in both Classes and subclasses identified in paragraph 1 at page 2 of the outstanding Official Action.